

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel, W.A. DREW  
EDMONDSON, in his capacity as ATTORNEY  
GENERAL OF THE STATE OF OKLAHOMA,  
et al.,

Plaintiff,

v.

TYSON FOODS, INC., et al.,

Defendants.

Case No. 4:05-CV-329-TCK-SAJ

**UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO  
PLAINTIFF STATE OF OKLAHOMA’S MOTION DOCKET #247, 252 AND 248**

COME NOW Defendants, Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; Cobb-Vantress, Inc.; Cal-Maine Foods, Inc.; Cal-Maine Farms, Inc.; Cargill, Inc.; Cargill Turkey Production, LLC.; George’s, Inc.; George’s Farms, Inc.; Peterson Farms, Inc.; Simmons Foods, Inc.; and Willow Brook Foods, Inc. (collectively, “Defendants”), pursuant to FED. R. CIV. P. 6(b), 7(b) and LCvR 7.1(g), and request that this Court issue an Order granting them an enlargement of time during which they must respond to Plaintiff State of Oklahoma’s Motion to Sever and Stay and/or Strike or Dismiss the Claims Asserted in the Third-Party Complaints, Brief in Support, and Request for Oral Argument (Dkt. # 247 and 252) and Plaintiff State of Oklahoma’s Motion to Stay the Time for Third-Party Defendants to Answer the Third-Party Complaints Pending Resolution of the State’s “Motion to Stay or Sever and/or Strike or Dismiss the Claims Asserted in the Third-Party Complaints, Brief in Support, and Request for Oral Argument” (Dkt. # 248) (collectively, the “State’s Motions”).

1. Counsel for the Defendants have conferred with counsel for Plaintiff, who has authorized moving counsel to advise the Court that Plaintiff does not object to the relief

requested herein. Plaintiff has agreed that the Defendants may have until May 1, 2006, to respond to the State's Motions.

2. Granting this Motion will serve the interest of judicial economy by allowing Defendants sufficient time to more fully develop and refine their arguments to be provided to the Court.

3. This is the first request for an extension of time sought by the Defendants relating to the State's Motions and it is sought in good faith and not for the purpose of delay. Counsel for the Defendants request this additional time to complete their review and investigation of the State's Motions, to confer with client representatives, and to prepare and file an appropriate response.

4. The Court has not yet issued a Pretrial Scheduling Order and this action is not presently set for trial. Therefore, granting this Motion will not delay or adversely affect any pretrial schedule or trial date.

WHEREFORE, the Defendants request that this Court enter an order extending the time in which Defendants have to file a response to the State's Motions until and including May 1, 2006.

Respectfully submitted,

**BY:** /s/ Stephen L. Jantzen  
STEPHEN L. JANTZEN, OBA # 16247  
PATRICK M. RYAN, OBA # 7864  
PAULA M. BUCHWALD, OBA # 20464  
RYAN, WHALEY & COLDIRON, P.C.  
119 N. ROBINSON  
900 ROBINSON RENAISSANCE  
OKLAHOMA CITY, OK 73102  
Telephone: (405) 239-6040  
Facsimile: (405) 239-6766  
E-Mail: [sjantzen@ryanwhaley.com](mailto:sjantzen@ryanwhaley.com)

-AND-

THOMAS C. GREEN, ESQ.  
MARK D. HOPSON, ESQ.  
TIMOTHY K. WEBSTER, ESQ.  
JAY T. JORGENSEN, ESQ.  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005-1401  
Telephone: (202) 736-8000  
Facsimile: (202) 736-8711 (fax)

-AND-

ROBERT W. GEORGE, OBA #18562  
KUTACK ROCK LLP  
The Three Sisters Building  
214 West Dickson Street  
Fayetteville, AR 72701-5221  
Telephone: (479) 973-4200  
Facsimile: (479) 973-0007  
**ATTORNEYS FOR TYSON FOODS, INC.; TYSON  
POULTRY, INC.; TYSON CHICKEN, INC; AND  
COBB-VANTRESS, INC.**

BY: /s/ A. Scott McDaniel

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

A. SCOTT MCDANIEL, OBA #16460  
CHRIS A. PAUL, OBA #14416  
NICOLE M. LONGWELL, OBA #18771  
PHILIP D. HIXON, OBA #19121  
JOYCE, PAUL & MCDANIEL, PLLC  
1717 South Boulder Ave., Ste 200  
Tulsa, OK 74119  
**ATTORNEYS FOR PETERSON FARMS, INC.**

**BY:** /s/ John H. Tucker

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

THERESA NOBLE HILL, OBA #19119  
JOHN H. TUCKER, OBA #9110  
COLIN H. TUCKER, OBA #16325  
RHODES, HIERONYMUS, JONES,  
TUCKER & GABLE  
Post Office Box 21100  
100 W. 5<sup>th</sup> Street, Suite 400  
Tulsa, OK 74121-1100

-AND-

TERRY W. WEST  
THE WEST LAW FIRM  
124 W. Highland  
POB 698  
Shawnee, OK 74802-0698

-AND-

DELMAR R. EHRICH, ESQ.  
BRUCE JONES, ESQ.  
FAEGRE & BENSON, LLP  
2200 Wells Fargo Center  
90 South 7<sup>th</sup> Street  
Minneapolis, MN 55402  
**ATTORNEYS FOR CARGILL, INC., and CARGILL  
TURKEY PRODUCTION, LLC**

**BY:** /s/ R. Thomas Lay

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

R. THOMAS LAY, OBA #5297  
KERR, IRVINE, RHODES & ABLES  
201 Robert S. Kerr Ave., Suite 600  
Oklahoma City, OK 73102

-AND-

THOMAS J. GREVER, ESQ.  
**LATHROP & GAGE, L.C.**  
2345 Grand Blvd., Suite 2800  
Kansas City, Missouri 64108-2612

-AND-

JENNIFER S. GRIFFIN  
**LATHROP & GAGE, L.C.**  
314 East High Street  
Jefferson City, MO 65101  
**ATTORNEYS FOR WILLOW BROOK FOODS, INC.**

BY: /s/ Randall E. Rose  
(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)  
RANDALL E. ROSE, OBA #7753  
GEORGE W. OWENS, ESQ.  
OWENS LAW FIRM, P.C.  
234 W. 13<sup>th</sup> Street  
Tulsa, OK 74119

-AND-

JAMES MARTIN GRAVES, ESQ.  
GARY V. WEEKS, ESQ.  
BASSETT LAW FIRM  
POB 3618  
Fayetteville, AR 72702-3618  
**ATTORNEYS FOR GEORGE'S, INC. AND  
GEORGE'S FARMS, INC.**

BY: /s/ John R. Elrod  
(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)  
JOHN R. ELROD  
VICKI BRONSON, OBA #20574  
CONNER & WINTERS, L.L.P.  
100 W. Central St., Suite 200  
Fayetteville, AR 72701  
**ATTORNEYS FOR SIMMONS FOODS, INC.**

**BY:** /s/ Robert P. Redemann

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

ROBERT P. REDEMANN, OBA #7454

LAWRENCE W. ZERINGUE, ESQ.

DAVID C. SENGER, OBA #18830

PERRINE, MCGIVERN, REDEMANN, REID, BARRY &  
TAYLOR, P.L.L.C.

Post Office Box 1710

Tulsa, OK 74101-1710

-AND-

ROBERT E. SANDERS

STEPHEN WILLIAMS

YOUNG, WILLIAMS, HENDERSON & FUSILIER

Post Office Box 23059

Jackson, MS 39225-3059

**ATTORNEYS FOR CAL-MAINE FARMS, INC. AND  
CAL-MAINE FOODS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of April, 2006, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson  
OFFICE OF ATTORNEY GENERAL  
State of Oklahoma  
2300 N. Lincoln Blvd, Suite 112  
Oklahoma City, OK 73105  
**ATTORNEY FOR PLAINTIFFS**

David P. Page  
J. Randall Miller  
Louis W. Bullock  
MILLER KEFFER & BULLOCK  
222 S. Kenosha  
Tulsa, Ok 74120-2421  
**ATTORNEYS FOR PLAINTIFFS**

M. David Riggs  
Richard T. Garren  
Sharon K. Weaver  
Douglas A. Wilson  
RIGGS ABNEY NEAL TURPEN  
ORBISON & LEWIS  
502 W 6th St.  
Tulsa, OK 74119-1010  
**ATTORNEYS FOR PLAINTIFFS**

Robert A. Nance  
D. Sharon Gentry  
RIGGS ABNEY NEAL TURPEN  
ORBISON & LEWIS  
5801 N Broadway, Ste 101  
Oklahoma City, OK 73118  
**ATTORNEYS FOR PLAINTIFFS**

John T. Hammons  
Kelly Hunter Burch  
Attorney at Law  
4545 N. Lincoln Blvd., Suite 260  
Oklahoma City, OK 73105  
**ATTORNEY FOR PLAINTIFFS**

Elizabeth C Ward  
Frederick C. Baker  
**MOTLEY RICE LLC**  
28 Bridgeside Blvd  
Mount Pleasant, SC 29464  
**ATTORNEYS FOR PLAINTIFF**

Jo Nan Allen  
219 W. Keetoowah  
Tahlequah, OK 74464  
**ATTORNEY FOR CITY OF  
WATTS, FIN AND FEATHER  
RESORT, INC., JOHN E.  
COTHERMAN AND FULIE A.  
COTHERMAN, THIRD-PARTY  
DEFENDANTS**

Todd Hembree  
219 W. Keetoowah  
Tahlequah, OK 74464  
**ATTORNEY FOR TOWN OF  
WESTVILLE, THIRD-PARTY  
DEFENDANT**

Tim K. Baker  
Maci Hamilton Jessie  
Tim K. Baker & Associates  
303 W. Keetoowah  
Tahlequah, OK 74464  
**ATTORNEYS FOR GREENLEAF  
NURSERY CO., INC. AND WAR  
EAGLE FLOATS, INC., PEYTON  
FAMILY TRUST, KATHERINE L.  
TYE AND KEVIN W. TYE, THIRD  
PARTY DEFENDANTS**

Park Medearis,  
Meadearis Law Firm, PLLC  
226 W. Choctaw  
Tahlequah, OK 74464  
**ATTORNEY FOR CITY OF  
TAHLEQUAH, THIRD-PARTY  
DEFENDANT**

Marcus N. Ratcliff  
Kenneth E. Wagner  
Latham, Stall, Wagner, Steele &  
Lehman  
1800 South Baltimore, Suite 500  
Tulsa, OK 74119  
**ATTORNEYS FOR BARBARA L.  
KELLEY DBA DIAMOND HEAD  
RESORT, THIRD-PARTY  
DEFENDANT**

R. Jack Freeman  
Tony M. Graham  
Graham & Freeman, PLLC  
6226 E. 101<sup>st</sup> Street, Suite 300  
Tulsa, Oklahoma 74137  
**ATTORNEYS FOR "THE BERRY  
GROUP", THIRD-PARTY  
DEFENDANTS**

Adam Scott Weintraub  
Twenty East Fifth, Suite 410  
Tulsa, OK 74103  
**ATTORNEY FOR KERMIT AND  
KATHERINE BROWN, THIRD  
PARTY DEFENDANTS**

Angela D. Cotner  
505 Gray Fox Run  
Edmond, OK 73003  
**ATTORNEY FOR TUMBLING T  
BAR L.L.C., BARTOW AND WANDA  
HIX, THIRD-PARTY DEFENDANTS**

Ron Wright  
Wright, Stout, Fite & Wilburn  
Post Office Box 707  
Muskogee, OK 74402-0707  
**ATTORNEY FOR AUSTIN L.  
BENNETT AND LESLIE A.  
BENNETT, INDIVIDUALLY AND  
DBA EAGLE BLUFF RESORT,  
THIRD-PARTY DEFENDANTS**

Thomas J. McGeady  
Ryan P. Langston  
J. Stephen Neas  
Logan & Lowry, LLP  
101 South Wilson Street  
Post Office Box 558  
Vinita, OK 74301  
**ATTORNEYS FOR LENA AND  
GARNER GARRISON AND BRAZIL  
CREEK MINERALS, INC., THIRD-  
PARTY DEFENDANTS**



R. Pope Van Cleef, Jr.  
Robertson & Williams  
3033 N.W. 63<sup>rd</sup> Street, Suite 200  
Oklahoma City, OK 73116  
**ATTORNEY FOR BILL  
STEWART, INDIVIDUALLY AND  
DBA DUTCHMAN'S CABINS,  
THIRD-PARTY DEFENDANTS**

Linda C. Martin  
DOERNER, SAUNDERS, DANIEL &  
ANDERSON, LLP  
320 South Boston Avenue, Suite 500  
Tulsa, OK 74103  
**ATTORNEY FOR NORTHLAND  
FARMS, LLC AND EAGLE  
NURSERY, LLC, THIRD-PARTY  
DEFENDANTS**

Douglas L. Boyd  
1717 E. 15<sup>th</sup> Street  
Tulsa, OK 74104  
**ATTORNEY FOR HOBY  
FERRELL AND GREATER  
TULSA INVESTMENTS, LLC,  
THIRD-PARTY DEFENDANTS**

and I further certify that a true and correct copy of the above and foregoing will be mailed via regular mail through the United States Postal Service, postage properly paid, on the following who are not registered participants of the ECF System:

William H. Narwold  
**MOTLEY RICE LLC**  
20 Church St., 17<sup>th</sup> Floor  
Hartford, CT 06103  
**ATTORNEYS FOR PLAINTIFF**

Jim R. Bagby  
Route 2, Box 1711  
Westville, Oklahoma 74965  
**PRO SE, THIRD-PARTY  
DEFENDANT**

C. Miles Tolbert  
**SECRETARY OF THE  
ENVIRONMENT**  
State of Oklahoma  
3800 North Classen  
Oklahoma City, OK 73118  
**PLAINTIFF**

James R. Lamb  
D. Jean Lamb  
Individually and dba Strayhorn Landing  
Route 1, Box 253  
Gore, OK 74435  
**PRO SE, THIRD-PARTY  
DEFENDANTS**

Kenneth D. Spencer  
Jane T. Spencer  
James C. Geiger  
Individually and dba Spencer Ridge Resort  
Route 1, Box 222

Lloyd E. Cole, Jr.  
120 W. Division Street  
Stilwell, Ok 74960  
**ATTORNEY FOR BILLIE D.  
HOWARD, RAY DEAN DOYLE,**

Kansas, Oklahoma 74347  
**PRO SE, THIRD-PARTY  
DEFENDANTS**

**DONNA DOYLE, JOHN STACY DBA  
BIG JOHN EXTERMINATORS,  
FLOYD SIMMONS, ILLINOIS RIVER  
RANCH PROPERTY OWNERS  
ASSOCIATION, THIRD-PARTY  
DEFENDANTS**

James D. Morrison  
Rural Route #1, Box 278  
Colcord, Ok 74338  
**PRO SE, THIRD-PARTY  
DEFENDANT**

G. Craig Heffington  
20144 W. Sixshooter Road  
Cookson, Ok 74427  
**PRO SE, SIX SHOOTER RESOR AND  
MARINA, INC., THIRD-PARTY  
DEFENDANT**

Robin L. Wofford  
Route 2, Box 370  
Watts, Ok 74964  
**PRO SE, THIRD-PARTY  
DEFENDANT**

Richard E. Parker  
Donna S. Parker  
Burnt Cabin Marina & Resort, LLC  
34996 South 502 Road  
Park Hill, Ok 74451  
**PRO SE, THIRD-PARTY  
DEFENDANTS**

Monte W. Strout  
209 West Keetoowah  
Tahlequah, Ok 74464  
**ATTORNEY FOR CLAIRE WELLS,  
LOUISE SQUYRES, THIRD-PARTY  
DEFENDANTS**

Ancil Maggard  
Route 2, Box 568  
Westville, OK 74965  
**THIRD-PARTY DEFENDANT**

/s/ Stephen L. Jantzen  
STEPHEN L. JANTZEN